

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**MITCHELL LEWIS, and SHANNETTE  
LEWIS,**

**Plaintiffs,**

**vs.**

**VOLKSWAGEN GROUP OF AMERICA,  
INC.,**

**Defendant.**

**8:23CV373**

**ORDER TO SHOW CAUSE**

This matter comes before the court after a review of the docket and pursuant to NECivR 41.2, which states in relevant part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

Plaintiffs commenced this action on August 21, 2023. ([Filing No. 1](#)). On August 29, 2023, Plaintiffs filed Proof of Service purporting to show Defendant was served by certified mail on August 25, 2023, through an entity designated by law to accept service of process on Defendant’s behalf. ([Filing No. 5](#)). To date, Defendant has not filed any responsive pleading and Plaintiffs taken no further action in this case. Plaintiffs have a duty to prosecute the case and may, for example, seek default in accordance with the applicable rules, voluntarily dismiss the case, or take other action as appropriate. Under the circumstances, Plaintiffs must make a showing of good cause for failure to prosecute, or the action must be dismissed. Accordingly,

**IT IS ORDERED:** On or before **November 6, 2023**, Plaintiffs must show cause why this case should not be dismissed for failure to prosecute or take some other appropriate action.

Dated this 16<sup>th</sup> day of October, 2023.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge